

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 8th March 1947.

SPECIAL SITTING.

The House met in the Council Chamber, Fort St. George, at 9-30 a.m., Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—THE MADRAS MAINTENANCE OF PUBLIC ORDER BILL, 1947
(AS PASSED BY THE ASSEMBLY)—*cont.*

Clause 9.

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I move that this clause be deleted from the Bill.

“ In doing so, Sir, I feel that the existing law is expected to deal with a Press that violates the rules and publishes matter likely to affect public safety or the maintenance of public order. I do not know, Sir, what special consideration made the Government insert this clause in this Bill. We have not been informed of any. We have been hearing the Hon. the Premier complaining against the Press that they are not giving him the support he needs in the various measures . . . ”

THE HON. SRI T. PRAKASAM :—“ I never complained, Sir, that they are not giving me the support I wanted; I only wanted them to be giving fair comments in respect of facts, and nothing more.”

* SRI R. SURYANARAYANA RAO :—“ I do not think, Sir, the Hon. the Premier's explanation has in any way detracted from the complaint which I feel he has against the Press. Anyhow, Sir, this clause is unnecessary as the existing law dealing with the Press is sufficient to deal with it; already, Sir, the Government have taken action with regard to certain Presses like the *Desabhimani* and other organs of the Communist party for publishing matter prejudicial to public safety and maintenance of public order. They have the power to demand security, they have the power to demand confiscation of any issue in which any matter affecting public safety and maintenance of public order is published—they have all these powers. I do not know why this clause should have been introduced in this Bill. If they had not the power, then they were perfectly entitled to come up before this House and ask for the inclusion of the concerned provision. As they already possess these powers, they are redundant here, except perhaps that by introducing this clause, the Bill assumes a very respectable size. Except that, no purpose is served by keeping this clause in this Bill.

* SRI B. NARAYANASWAMI NAYUDU :—“ Mr. President, there is also an amendment under this clause standing in my name. Shall I also move it? ”

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MR. PRESIDENT :—“ One after another.”

SRI B. NARAYANASWAMI NAYUDU :—“ All right, Sir.”

K. UPPI SAHIB BAHADUR :—“ I second the amendment moved, Sir.”

MR. PRESIDENT :—“ The question is that clause 9 shall be omitted and the other clauses shall be renumbered.”

The amendment was put and lost.

MR. PRESIDENT :—“ Mr. D. Krishnamurthy is not in his place. His amendment is deemed to have been withdrawn.”

* SRI B. NARAYANASWAMI NAYUDU :—“ Mr. President, I move that sub-clauses (1) and (2) of clause 9 shall be omitted.

“ I must first of all tell the House what the meaning of clause 9 is and what the powers conferred by that clause are. I do realize, at any rate, most of the Presses do realize, that it is difficult to understand the purport of this clause. What is it that is given to the Government in this clause? It says first of all: ‘require that all matter or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order.’ That is, the Government can ask any paper: ‘Do not publish things with regard to certain matters, or do not put any news at all; you must submit that to me first; in other words, you must undergo what is called censorship, and then only you can publish.’ In view of certain specific conditions prevailing now, according to the Government, they want this provision, and therefore, this thing may be admitted. But then the next sub-clause says: ‘prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931.’ Then what is stated in sub-clause (2) is the most important thing. It creates an offence, first of all, in sub-clause (3), which says ‘if any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.’ There is an offence there; if therefore a newspaper does not submit what is going to be published to-morrow, on a requisition made by the Government, then it may be prosecuted—the offence is created—and it can be fined and also there is imprisonment for three years or two years or two months, whatever it may be. But that is not the whole thing; there is sense in it if the provision rested there. No doubt there are some matters which newspapers may publish, may take the risk in publishing and take the risk of going to a court of law. But, as I said, it does not stop there. There is another

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sub-clause (2) which says: 'If any person contravenes any order made under sub-clause (1), then, without prejudice to any other proceedings which may be taken against such person, the Provincial Government may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document.' Therefore, you can prosecute a person who writes contrary to an intimation by the Government, as for an offence; not only that; you can take away, suppress the press as happened in the case of Mr. Govindachari in 1942. Therefore, the actual fact is: you create an offence first of all by saying, you should not publish what I say you should not publish. But that is to be judged by the ordinary civil courts in the country. The order of Government asking the press not to publish will be placed before the courts, it will be subject to comment and other things. But there is the extraordinary power to the effect that the Government can go and say: 'I will suppress the press, I will take away the press.' Sir, these are the two powers taken. They correspond to clause 2 (c) and (d) of the Defence Regulations passed in the year 1939. I ask, Sir, having said so far with regard to the importance of this clause, viz., that the press should not write anything except to the dictation of the Government, and that if it writes, it is liable for prosecution, and also, if it writes it is not only liable for prosecution, but the press itself will be confiscated—that I say is the climax . . . !"

MR. PRESIDENT:—"Does the clause say that the press itself shall be forfeited?"

* SRI B. NARAYANASWAMI NAYUDU:—"Yes, Sir; not only the documents will be taken away; it says: 'The Provincial Government may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order, and any press as defined in the Indian Press Act.' I do not know, Sir, what it is that the 1939 Act says. There is also the term 'His Majesty' here; it still exists in the Act at least. (Laughter.) 'Every copy of any document published or made in contravention of such order'—that is with regard to the pamphlet issued. But 'any press'—these are artistic words, terms which are used in the legal language. That is done only in specific emergencies; it is the withdrawal of all powers to the State for meeting a state of emergency. We know such powers were used in 1914 and in 1942.

"The only question now is whether it is not the culmination of what I will term the Gandhian system of politics. I do not know the Gandhian system of non-violence but I do know something about the Gandhian system of politics. Here what is contained is that they have got power under this section to imprison a person. Not only that. They can also seize the press and forfeit it. My submission is, is it the non-violent system of politics?

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The whole question resolves itself to this that you have to dance to the music of the Government. Already you have got power to prosecute him. Then, why do you want also to seize the press?"

MR. PRESIDENT:—"May I know from the hon. Member the purpose of his amendment? It is 'omit sub-sections (1) and (2) and retain sub-section (3)'."

* SRI B. NARAYANASWAMI NAYUDU:—"There is a mistake, Sir. At least I wanted that the portion about the confiscation of the press should be omitted. Because, you can ask a person not to publish certain things. If you are not satisfied, you can arrest and detain him for say, four or even ten months. Not only that, Sir, you can even prosecute him and ask him to appear before a court of law which will probably sentence him for some years. So, Sir, this section interferes with the liberty of the press. The whole position is this. What is this Gandhian politics about? Is this really a publication of the theory of Gandhian politics or is it really theory on the ideology of the word 'khaddar'? Is it defined anywhere clearly? I am asking this question plainly. We want to know whether it is like the press under the Parliament or is it a Hitlerite press? We want to know what it is. Is this democracy? In this connexion, if you allow me, Sir, I shall tell you what Vicount Simon said about the liberty of the press. I have already once mentioned about it to this House. Let me repeat it again with regard to this matter. You can villify a man subject to the laws of slander and of defamation; you can put him in jail. Under the ordinary law, he can be taken before a court of law where he can defend himself and if he is found guilty, he will be put in prison. You see what the present position is. In Bhagavathar's case, there was complete blackmail by a certain press. In England, if articles of that type appeared in the press, the person would have gone to jail long ago. But, the press in this country not only say the truth but may also say falsehood. The question really to be found out is whether the press is saying the truth or it makes a villification and if so, punish it subject to the law of slander. Now, the Government is the arbiter. Instead of being an arbiter, you are villifying the whole press and carrying on a vendetta against the press. Mr. Balfour was in prison on account of some political agitations. The press has an enormous influence and if they think that a certain leadership should go, they can make it. So, what I will say to the press is, do not write anything at all about the ministry muddle, because, under this clause the Government can prosecute the person concerned and even the press can be done away with. That is the whole position. You should be ashamed to have a press in this country which will resemble one under Hitler. You should not create such a position in this country. So, do not do it. You must maintain the liberties of the press."

K. ÜPPI SAHIB BAHÄDUR:—"I second it, Sir."

The amendment was put and lost.

Clause 9 was put and carried.

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Clause 10.

* SRI R. SURYANARAYANA RAO :—" I move, Sir, for the deletion of clause 10 because it is redundant."

MR. PRESIDENT :—" I have said once before that I would like to hear some voices when I put the amendments to vote. There is a danger of my saying ' Noes have it ', if I do not hear sufficient number of voices on the Government side."

SRI R. SURYANARAYANA RAO :—" There is already legislation passed in 1946 dealing with the subject covered by the provision. Under Act XIV of 1946, there is already power under Section 4, power for requisition or acquisition of property. I do not know, Sir, why this clause should have been put in here. Except for the fact that it is a copy of the Defence of India Rules, I do not think this provision is necessary at all. There is already power which the Government possesses under which they can requisition property and even acquire property. Here, Sir, the same section is repeated and I do not think that it is necessary to include the words ' maintenance of supplies and services essential to the life of the community ' under clause 4 of Act XIV of 1946. There is no use repeating the complaint—simply some rules have been copied and put forward into this Bill without looking into the fact whether they already possess the powers, and whether these powers are necessary. So, Sir, I move that clause 10 may be omitted as it is redundant."

K. UPPI SAHIB BAHADUR :—" I second it, Sir."

The amendment was put and lost.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Sir, clause 10 provides for the requisition of movable property. Clause 10 (3) provides for the payment of such compensation to the owner as the Provincial Government may determine. The power to determine the compensation that should be paid to the owner of the movable property is vested in the Provincial Government. What I want by my amendment is that compensation be paid must be reasonable. It is a very reasonable amendment, Sir, that I propose and I hope the Government would accept it in the normal course. Therefore, Sir, I move that in line 2 of sub-clause (3) of clause 10, after the word ' such ' the word ' reasonable ' shall be inserted."

MR. PRESIDENT :—" I am sure the hon. Member will not object if any unreasonably high compensation is paid by the Government."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I want only reasonable compensation to be paid by the Government, Sir, and I do not want any high compensation to be paid by Government because it should be at the expense of the tax-payers."

K. UPPI SAHIB BAHADUR :—" I second it."

The amendment was put and lost.

Clause 10 was put and carried.

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Clause 11.

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a.m.

* SRI R. SURYANARAYANA RAO :—“ Sir, I move for the deletion of the whole clause. This is also a very dangerous clause. The clause was perhaps necessary during a period of war when the assistance of the public was required for the maintenance and restoration of law and order but when we are in peace time I do not see why this power is required by the Government to compel people to come to their assistance and do things which they themselves do not approve of. To-morrow an order may be passed by this Government requiring everyone to come and do a particular piece of work as it is required for the maintenance of law and order. It is all right, Sir, in a time of emergency when there is war, when the lives and properties of persons are in danger, when in order to promote the safety of the people, the Government may require people to come to the assistance of the Government so that the properties and lives of the people may be protected; but, no such emergency has arisen or will arise. If this clause is to be applied throughout the Province, not only to those areas which are considered as danger spots, but throughout the Province and if anybody, for any reason, fails to comply with this lawful duty,—unlawful direction I would call it though this unlawful direction is made lawful by passing it through the legislature with a large majority in support of the Government—will be punished with imprisonment for a term which may extend to six months or with fine or with both. It is very hard to enforce this provision on people though by a Government which is evidently drifting slowly to a totalitarian state.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ I second it, Sir.”

The amendment was put and lost.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Sir, as explained by my hon. Friend, Mr. Suryanarayana Rao, section 11 arms an officer of Government with very wide powers. When I read the section, I was reminded of the Jallianwalla Bagh and the crawling laws of Amritsar. Any officer of Government may do anything for the purpose of getting assistance in the maintenance and restoration of law and order and there is nothing to prevent him from requiring any man, whoever he may be, to act in a particular manner. That is why I want that the actions of the officers under this section may be at least required to be reasonable. I therefore move my amendment which is as follows :—

‘ In sub-clause (1) of clause 11 before the word ‘ manner ’ the word ‘ reasonable ’ shall be inserted. ’ ”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I second it, Sir.”

The amendment was put and lost.

Clause 11 was put and carried.

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Clause 12.

* SRI R. SURYANARAYANA RAO :—“ I move, Sir, that sub-clause (4) of clause 12 shall be omitted. I am not a lawyer, Sir, but my reason for this amendment is, already the Provincial Government delegate the power to an officer and again that officer is empowered under this sub-section to delegate his powers to any other officer. Whether such a delegation is lawful, I am doubtful. Delegation of powers can only be to one officer and whether that officer can delegate his powers to another officer, I think from a legal point of view, it is objectionable. According to the sub-section, ‘ an officer empowered under sub-section (1), may, subject to the control of the Provincial Government, authorize any officer subordinate to him to exercise any of the powers referred to in sub-section (1).’ It is delegating a delegated power and I do not think under the law it is permitted as far as I know. Of course, Sir, all these things were necessary when there was a state of war, but I think it is an unnecessary provision here. Even if it is correct to give that power of delegation, I am informed by my lawyer friends that such delegation of a delegated power is wrong in law.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ I second it, Sir.”

MR. PRESIDENT :—“ Does the Hon. the Law Minister wish to say anything about it? ”

THE HON. SRI K. BHASHYAM :—“ He is dumb to-day.”

THE HON. SRI T. PRAKASAM :—“ There is nothing to be said about it. I oppose the amendment.”

The amendment was put and lost.

Clause 12 was put and carried.

Clause 13.

* SRI R. SURYANARAYANA RAO :—“ I move the following amendment that stands in my name, viz.—

‘ After the words “ Any Police Officer ” the words “ not below the rank of a Sub-Inspector of Police ” shall be inserted.’

“ Sir, in the course of the general discussion on this Bill many hon. Members have expressed themselves against giving a tall order to any Police officer to arrest a person who is reasonably suspected of having committed an offence. According to this, even a police constable may arrest anybody he likes and whom he reasonably suspects of having committed an offence. Whether he reasonably suspects or unreasonably suspects is a matter that will have to come up to Government, once he is arrested and detained. I therefore suggest that the words ‘ a responsible police officer not below the rank of a Sub-Inspector of Police ’ shall be inserted in the clause. It is after all a minor amendment which the Government

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themselves could have moved instead of members of this House being required to move it, because it is only taking every possible precaution that these wide and unrestrained powers vested in the executive under this Bill, should be used by officers who are competent and who can judge, at any rate, reasonably judge whether a person whom an officer wants to arrest is reasonably suspected of having committed an offence. It is only by way of abundant caution that I am moving this amendment. I know, Sir, the Government are not prepared to accept it."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second it, Sir."

The amendment was put and lost.

Clause 13 was put and carried.

Clause 14.

* SRI R. SURYANARAYANA RAO :—" Sir, my suggestion is, the words 'attempts to contravene, or' may be omitted from the clause, so that the clause may read thus—

'Any person who abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.'

"Sir, it has covered all things. How to prove, Sir, who attempts to contravene an order; it is rather a difficult thing to prove. Then again too much of a power is given to any officer. It is a tall order. I am therefore suggesting this amendment, which is but a small one, though as in the case of the other amendments, whether small or big, the Government are not prepared to accept them. I am sure, they will soon realize the mistake they are making."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second it, Sir."

The amendment was put and lost.

Clause 14.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" The words 'or does any act preparatory to a contravention of' shall be omitted. Sir, no system of jurisprudence makes preparation for an offence punishable as an offence ordinarily. The reason is obvious. A man may change his mind at any moment. I shall not make any speech because it will have no effect on the Government."

The amendment was put and lost.

The clause 14 was put and carried.

Clause 15 was put and carried.

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Clause 16.

DR. V. K. JOHN moved that—

“ For the existing clause 16, the following shall be substituted :—

- (1) *Any order made in exercise of any power conferred by or under this Act shall be communicated forthwith to the person or persons affected thereby, who may within two months from the date of the communication of such order apply to the High Court to set aside such order and the High Court shall have jurisdiction to consider the propriety and reasonableness of such order and pass such order or orders as it deems fit.*
- (2) *Every such application shall be heard and determined by a special Bench of the High Court composed of three Judges.*

“ Yesterday, Sir, when it was dark I thought merely of reading this amendment and make no speech but today I feel that there is plenty of light in the Ministers and their supporters, Therefore, Sir, I ask your permission to make a speech. For the information of the Prime Minister and his colleagues I might say that the substance of this amendment is taken from the Indian Press Emergency Powers Act. This does not harm the Government in any way at all. They may gag the press, they may confiscate the press, they may detain a person, they may restrain his movements. They may do anything which they want under this Act. After doing all this give the interested party an opportunity to move the High Court within two months questioning the propriety and reasonableness of the action taken by the Government. Sir, if this is not going to be admitted it will be the funeral of all civil liberties in this Province. I hope the Ministers and those that support them would accept it. I am not standing in the way of their detaining any person or arresting anyone or seizing his property or doing anything which they want under this Act, but I say this that a person whose liberty is curtailed or whose property is requisitioned or against whom any order is passed, let him have the freedom to go to the highest Court in the land. Let three Judges of the Madras High Court hear his application. I do not think that any of the Hon'ble Ministers will do anything *mala fide*, but they have no time to look into all questions themselves. Therefore they have provided for delegation and one of the delegated authorities may be a Police constable, may be an Inspector of Police, may be anybody else. They may be doing something wrong. I say, Sir, let the person against whom an order is passed have the opportunity to move the High Court and let the High Court go into the question and why do we distrust the High Court? The High Court will go into the whole question, will understand the position and will give a decision. Sir, if it is found that a person has committed an unsociable act and he is detained for this purpose the High Court will come to a decision against him. There is not the slightest excuse for opposing this amendment except persistence. But persistence may be a virtue up to a certain limit but beyond that limit it becomes a vice. I

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submit that my amendment does not in the least affect the provisions of this Act and does not in the least affect the powers that can be exercised. They can do anything they like but let there be a chance for the person convicted by that order to move the High Court. The Indian Press Emergency Act of 1931 has made this provision. We know from the reports in the papers how many times the High Courts in India have corrected the action of the executive and the executive must be glad over this if they are honest. The learned Judges are happy when they are corrected in appeal because after all man makes mistakes, they must be happy when the mistake is corrected. Therefore, I submit, that this provision ought to have been there not only for the liberty of the subject but for the reputation of the Government. Suppose the Government now pass orders which are never questioned in a court of law and never have the support of the court of law there will be public opinion against Government and their reputation will be at stake. The jurisdiction of a court of law is sought to be taken away by clause 16 of the Bill. In the interests of the Government and the delegated authorities I say let the matter be allowed to be carried to a court of law so that the court may sit in judgment. The amendment I move will be a great corrective. A provision like the one which I have now moved, will be a restraint on delegated authorities and they will not do *mala fide* acts and they will be very careful in exercising the powers conferred in this Act which as I have already said are very very drastic. If we make any suggestion to the Government that it should be worked in a particular way it will not be of any use whatsoever. I must frankly say, we on this side of the House are not attributing any motives to the Government, the Prime Minister or any others. We know that when this Act is put into force, the delegated authority, the small persons to whom authority will be delegated by Government, will misuse the powers and the Government themselves will be powerless and their reputation will be at stake and not so much the reputation of the delegated authority. I am suggesting that there may be some restraint on that delegated authority; they should be happy that the matter will be carried to the highest courts of the land and they will be corrected if they had committed any mistakes. It is not enough if I make suggestions that this should be mercifully and generously put into force. The Hon. Prime Minister himself regretted his having to introduce this Bill and he will certainly give an assurance that he will take every step in his power to see that there is no *mala fide* exercise of power; but I say he is himself powerless. He has provided for it and the powers will be exercised by somebody else. I have moved my amendment in the hope now that there is more light in the Ministers and we are not in darkness and in fact more and more light will be coming to the Government, although they may not be willing to accept the amendment to-day, they will think about and introduce an amendment as early as convenient so that clause 16 is deleted and the clause which I have given notice of will be accepted."

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a.m.

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* SRI B. NARAYANASWAMI NAYUDU :—“ In supporting the motion, I shall just say a word or two. I do not know if it is the incompetence of the Premier or the antics of the party in power. I was thinking, Sir, they were committed to the policy of the separation of the judiciary from the executive. But now you want to fight shy of the courts. It has been said that the king is the foundation of justice. Evidently now according to this Bill, the Government and its puppets will carry through their own ideas and suppress civil liberty of every kind. I am at a loss to know why you do not like to give this power to High Court Judges. In one breath you are saying that you are going to make the magistracy quite independent of the executive and now you are doing a thing quite inconsistent with that principle in that you are denying access to the court for those affected. I say, Sir, that you must abandon the question of separation of the judiciary from the executive; you must abandon the question of individual liberty and go your own way. Otherwise you must accept that you are really keen on the judiciary having full powers of stepping in between the wronged and the executive and accept the amendment.

“ The amendment that for existing clause 16, the following shall be substituted :—

‘ (1) *Any order made in exercise of any power conferred by or under this Act shall be communicated forthwith to the person or persons affected thereby who may within two months from the date of the communication of such order apply to the High Court to set aside such order and the High Court shall have jurisdiction to consider the propriety and reasonableness of such order and pass such order or orders as it deems fit.*

‘ (2) *Every such application shall be heard and determined by a special bench of the High Court composed of three judges.*’

was put and lost.”

Clause 16 was put and carried.

Clause 17.

* SRI R. SURYANARAYANA RA0 :—“ Mr. President, I move—

‘ *In sub-clauses (1) and (2) the words “ or intended to be done ” wherever they occur shall be omitted.*’

“ I submit, Sir, this provision that was introduced during the war as part of war-time measures and strange to say the Government wish to have it even now. The second question is how can you find out the intention of the person unless he does an act by which his intention is shown.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ I second the amendment.”

The amendment was put and lost.

Clause 17 was put and carried.

Clauses 18 and 19 were put and carried.

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Clause 1.

K. Uppi Sahib Bahadur's amendment to sub-clause (2) was by leave withdrawn

Clause 1, sub-clause (4).

* SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, I move that in lines 4 and 5 of sub-clause (4) of clause 1, for the words 'if in their opinion it is expedient so to do' the words 'after obtaining the consent of the Legislature on a motion duly tabled by the Government for such continuance' shall be substituted. We are on the last provision concerning the abrogation of individual liberty and the surrender of civil liberty that this Parliament is called upon to acquiesce in. This not only for one year but for such period as this Government may deem fit; then it does not come to this Parliament and they do not want it. The Fuhrer, the leader is there and if he says it shall be continued, it shall be continued. You know, Sir, when Hitler threatened the invasion of England, there were three sections of the law which affected the people; but I will ask the Law Member who, I understand, has been responsible for the drafting of the measure, to let me know and direct me to a like provision in the English law empowering the Government to extend the Act from time to time, at their discretion. I have been trying my best to get this regulation but I have not been able to get it. But I am able to find from the speech of the Lord Chancellor in the House of Lords that the Emergency Act is an annual Act and subject to the renewal effected by both the Houses at the end of the year. Therefore, they go to Parliament and ask for sanction and that is why I have tabled an amendment that you should do it only after obtaining the sanction of the Legislature on a motion tabled by the Government. This is too much of a surrender that we are asked to set our approval to. I ask if the Government have given their thought to it; have they bestowed any sense on it; is it well-advised; is it wise on your part to say that you will exercise them year after year without coming to this Parliament for approval. The least that I can say is that it is the height of irresponsibility."

DR. V. K. JOHN :—"May I make a fervent appeal to my friends on the other side, although they belong to the Congress Party, not to abdicate their functions."

The amendment was put and lost.

Clause 1 was put and carried.

The Preamble was put and carried and formed part of the Bill.

THE HON. SRI T. PRAKASAM :—" I move that the Bill to provide for the preventive detention, imposition of collective fines, control of meetings and processions, control of essential services and certain other purposes (The Madras Maintenance of Public Order Bill, 1947) (L.A. Bill No. 8 of 1947) as passed by the Assembly be passed into law."

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* K. UPPI SAHIB BAHADUR :—" Mr. President, I oppose the motion. We, on this side of the House, want to impress upon the Government and to make it plain to them and definite that we are not a party to a measure which is going to crush the freedom of the people of this Province. Never for the last 25 years has an act of this kind been passed in any Legislature. When the Public Safety Act of 1929 was introduced in the Central Legislative Assembly, what a hue and cry was raised throughout the length and breadth of this country? Considering the powers the Government required in those days, and comparing that with the powers that this Government is going to take, it is nothing.

" It seems the Government in power wants to practice Hitlerism and Nazism in this Province. That is the position it has come to. I ask the Hon. the Prime Minister whether there is any other enactment like this which a foreign Government has enacted within 150 or 200 years of rule. This is so aggressive, so crushing, and so barbaric. I ask the Hon. the Prime Minister, who was the stalwart champion of the freedom of speech, freedom of the press, and freedom of association, to say which is the other Act in India. I only offer my condolences to my hon. Friend on this legislation. Where is the necessity for this Act? It is said that it will be used against Communists. But let me say, Sir, I have my own suspicion. My personal view is this Act is for something else. Otherwise such a huge, gigantic amount of powers you would not have taken. Under the present circumstances, you would not have asked for such powers. Sir, we do not want to be a party to such a perverse and barbaric legislation. We are going to definitely make it clear, through this House, that we are not going to be a party to this Bill. We are going to call for a division. We know our fate. From the very beginning, the Hon. the Premier has been saying in this House ' we have to get through this Act; there is no use of proposing any amendments; we cannot carry out your amendments, because it has to reach Delhi before the 14th, and it has to get the sanction of the Viceroy '. Why then, Sir, all this farce of discussion? Why all this waste of public money?

" Sir, it is usual to congratulate the sponsor of a Bill on these occasions, but now, on the other hand, I condole the Hon. the Prime Minister for the tragic irony of Fate. With these words, Sir, I oppose."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Mr. President, Sir, I am in a very embarrassed situation having to speak on the third reading stage of the Bill, when, as a matter of fact, on the first reading I was the only member that remained neutral. I should like to explain my position and state why I remained neutral, and why it is that I am not now in a position to give them the support of my neutrality in the passing of the third reading stage of the Bill. I remained neutral because I felt that on the facts as stated by the Hon. the Premier, it was no use of opposing this Bill without having something to substitute for it; and it was my hope—a vain hope as it turned out to be—

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that in the course of the discussion, as the amendments were moved by member after member from this side of the House, the Hon. the Premier or any of his colleagues would get up and give a balm to the troubled heart—something to allèviate the pain that most of us felt. It is not because we had not enough confidence in the Ministers, but because we knew that a draconian measure like this, which is all comprehensive, all pervading and conferring powers far beyond the reach of the officialdom of the day, required some little justification even if the amendments were not accepted. But what did I find? Time after time, when hon. Members spoke on amendments—I quite confess that a certain amount of heat was generated for the purpose—when, time after time even the most reasonable amendments were placed before the House, the Hon. the Premier and his colleagues refused even to reply to any of those amendments and kept a stony silence (K. Uppi Sahib Bahadur : ‘Shame’) which is not in consonance with the spirit of a democratic legislature. I do feel that the manner in which these amendments have been treated by hon. Members opposite is not the manner in which a democratic assembly ought to have been treated under any circumstance.

“I realize, Sir, that this Act has been placed before this House, a House with so little of power, and but for your cheerful personality, we would feel much more a sense of humiliation. (Hear, hear.) We heard none of the Ministers to say ‘we do feel that there is some justification for your views; but, my dear friends, we will see to it that, in the execution of the provisions of the Act, we shall give instructions, and we shall take all the powers necessary to see that as far as possible nothing that contravenes the liberty of a citizen who is not a culprit, who is not a traitor, who is not a person who had defied the law, or outraged the law, such a person shall be protected.’ It is not only when some clauses of the Bill were opposed—some of which might have embarrassed the Government because of the adjournment of the Assembly—but even in other circumstances, either it was a stony silence or it was a mere ‘I oppose’. Hon. Members opposite want us to believe that they are a people’s Government. I want to believe that they are a people’s Government. But, Sir, let me say that it is not a statement that they are a people’s Government that will convince anybody. The compliment must come from others. (Hear, hear.) If they are a people’s Government, have we not on this side a stake? Have we not as much conscience as they have? When this Act is passed, it is an Act of the Legislature and not an Act of the party in power. This will go about the international world, and there, somebody, some Smuts of the future, who is none too well disposed to Indian people, will get up and say ‘What are you talking of my treatment of Indians in South Africa when in India your own countrymen are being treated in this manner; I think it is a matter of emulation for me to copy it.’ Sir, let us realize the far-flung capacities of an Act of this description.

“I now come to a few points. I appeal to the Hon. Ministers not to feel irritated. There are people who take a different view. One of my hon. Friends said the other day that this Act was a draconian Act which conferred continuous powers on the executive

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without the necessity of being referred to the legislature. This is a very wide power, a power beyond the reach of anybody that we can contemplate. A suggestion was made that this Act should be applicable to certain districts. That was thrown out. Even if the Hon. Minister has said that he will give instructions to the Collectors of the districts to see and be on the watch to take necessary steps in the districts with a previous reference to him in particular, I would have felt glad. But nothing of that sort was forthcoming. He was adamant and resisting. I think a suggestion was made that the court of appeal might be composed of persons who had been in the judiciary, a suggestion to which no person could possibly take exception. Was it not possible for the Premier to say, 'he will bear that in mind?' Well, I did not want him to accept it here, because of the confusion that will arise. I am a practical man; I did not want to pin him down to accept any amendment. I know this House is merely marking time, that its function in regard to the discussion of this Bill is well settled by the manner in which the Legislative Assembly has been adjourned and that nothing can be done if an amendment is accepted here; and further the time-limit is there. But was it not open to the Premier to say to the House 'that we shall consider the suggestion?' Would that have taken away the warmth of the support that hon. Members have given—the warmth that was very lukewarm (laughter), when the provisions were moved."

10-30
a.m.

MR. PRESIDENT:—"I requested the Premier to make a statement."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"But we were not . . ."

MR. PRESIDENT:—"He did make a statement."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"About what?"

MR. PRESIDENT:—"About judges."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"But he did not accept the suggestion."

MR. PRESIDENT:—"He said he will bear it in mind."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"I am grateful for that, Sir. Then, the definition of 'the police officer' is very vague, and will lead to complications. I am one of those who will give my full support to the police. Whether it is the police or other officers, who will exercise the powers under this enactment, we know, as a matter of fact from past history that the bureaucracy has got its limitations. There are blacksheep here and there and it is very difficult to identify them. Whether the bureaucracy works under an Adviser's regime or under a Ministerial regime there are certain defects which the bureaucracy cannot get over. Our aim is to see wherever possible the temptation is not placed in the hands of small men dressed with authority for the time being to misuse that power. There is a proverb in Telugu, which, with your permission, I will quote: "ఏనుగుతోలుకెచ్చి ఎన్నాళ్లు ఉరికినా నలుపు నలువేకాని తెలుపుకాదు."

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The meaning of that is, 'you may try to wash an elephant's skin from day to day for months, it will still continue to be black skin that it is.' Even so, the lapse on the part of the bureaucracy can never be abrogated. The Premier has tried to do his best. But he himself has had to own it, that it is a Herculean task. In all this debate, we are not for one moment suggesting that the Ministerial party or the Ministers themselves are not actuated by the best of motives. If anybody suggests that, I shall be the first to say, it is unfair to say they are seized with power and that they think they can control this. I say, if once you let lose the little genii from the little glass bottle you will have no control over it afterwards. That is the great danger to which hon. Members have pointed out. I request the Premier, even at this stage, to tell this House, 'well, this Act is with me, the provisions will be kept more or less a dead letter, unless a grave emergency arises it will not be enforced; a public statement will be issued from time to time stating the grounds on which action has been taken under this enactment and the reasons why this Act has been enforced.' Sir, that is the least that can be done to assuage the feelings of the public. My hon. Friends are a little perturbed over this Act, because we all know what human nature is. Power, they say, corrupts man; great power greatly corrupts. Whatever position we occupy we have always to realize the limitations of human nature. If every single provision of this enactment will receive the personal notice of the Premier and he will hold himself responsible, I for one will unhesitatingly say, 'Yes, go ahead with it.' I have full confidence and have the greatest respect for him. I do not mean it as a compliment or flattery, for his untiring energy and for the real great goodwill that he has for all members here and members on the other side. I know, if it were within his competence, and if ever it came within his competence he would never see that injustice is done. But unfortunately, the Act, as it will be passed, will not be an Act that will be administered by him personally, but it will be administered by the legion of myrmidons of the bureaucracy and others, who cannot and do not get inspiration from the Premier, much less follow him in his footsteps. On these grounds, I regret, I cannot support this Bill."

* SRI B. NARAYANASWAMI NAYUDU :—" Sir, this tragic drama is now coming to an end and if I make a few observations now, it is only for the purpose of showing to the members on the other side that they are intoxicated with power and that will lead to the tyranny of the people and will lead to a revolution similar to the one in France, or with some limitations to a State which brought brute Hitler to power. To-day we have come to a condition when Gandhi cap is the only passport for freedom and no other ticket will be accepted. Are you going to have an intoxication of power which led to the second world war? And I shall not be astonished if liberty of person and freedom of press became a thing of the past very soon after this Bill is passed into law. I appeal to hon. Members opposite to work democratic institutions fairly and well."

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DR. V. K. JOHN :—“ Sir, I am oppressed with the feeling that this House should be a party to the passing of this legislation, which, in my humble opinion, will be a disgrace for any body of legislators to pass. Sir, in the history of no democratic form of Government has such a legislation ever been passed. The other day, I mentioned in joke, that I am glad Dr. Lakshmanaswami Mudaliyar is not in the legal profession. I fear, even his persuasive powers will have any effect on the Premier or the party behind him. Under this Bill, the legislature gives draconian powers to the executive and orders passed under it are excluded from the jurisdiction of courts. This Bill empowers not only Government to pass orders, but under this enactment it gives them power to delegate to and allow others to pass orders. I think it is too much to hope that this Bill will be withdrawn at this stage. It is too much to hope that even Sir Lakshmanaswami Mudaliyar would be able to persuade the Premier to say that some of the amendments brought forward by us will be accepted. I am sure with the majority they have in this House this Bill will be passed. But I make this suggestion and this request to them, that at every stage, or at every session of this Council and the Assembly, let us have a full picture of the proceedings taken under this Act, and let us be given an opportunity—even though an opportunity is not offered to the accused person under this Bill—to consider and criticise and give suggestions in regard to the steps taken under this enactment.

“ I hope, Sir, that the Hon. the Prime Minister will at least concede this request and that he will take into confidence the Members of the Legislature and keep them informed from time to time how the provisions of this Bill are being carried out by the delegated authorities. If that is done, at least if that is promised it may be possible for us at every stage and at every step to exercise our influence to create public opinion so that the drastic powers may not be exercised in a drastic manner, which people are afraid might be done.”

SRI B. BHIMA RAO :—“ Sir, it is with considerable diffidence that I rise to speak on this occasion. I find there is considerable force in the representations made by the Members on the side of the Opposition. I would only appeal to the Hon. the Premier to give such assurances as were mentioned by the hon. Member Dr. Lakshmanaswami Mudaliyar. It is no doubt excellent to have a giant's strength but to use it like a giant is tyrannous. The Bill that we are going to pass into law to-day contains drastic draconian provisions and we are going to entrust the administration of these to persons of inferior rank in the administrative machinery. I think, Sir, that if this legislation should now be passed on account of the exigencies of the political situation at present, we have to pass it and the main provisions of the Ordinance have to become law by the 13th instant.

“ Sir, though the conditions prevailing in two or three districts led to this enactment, this is being applied to the whole Province.

[Sri B. Bhima Rao]

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So far as the districts that I represent are concerned, namely, the Rayalaseema, there is not the slightest trouble from these communists. I do not say there is no communist. There are two or three people in name having only ideologies. That being the case, I think the Hon. the Premier might give an assurance to the Members of the Opposition that a drastic revision of this Act will be undertaken. That was what I think was required by the hon. Member Dr. John. The assurance may also be given to the Members of the House that in the case of those districts where this trouble does not prevail the executive authorities, namely, the collectors will be asked to apply the ordinary law and not to use the drastic provisions of this Act. I suggest, Sir, that this delegation should not go beyond the Collector to any inferior authority. Sir, such assurances should be given so that we can lay aside the apprehensions of the man in the street represented by the whole House. I would request the Hon. the Prime Minister to give such assurances and see that a drastic revision of this enactment is taken up in the near future."

MR. PRESIDENT:—"Before I call upon any other Member to speak, I would like to know whether the Hon. the Premier will also reply to the debate . . ."

THE HON. SRI T. PRAKASAM:—"Yes, Sir."

MR. PRESIDENT:—"I think he must be given at least 10 minutes for making his reply. Hon. Members must finish their speeches in five minutes."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"Mr. President, Sir, I cannot help pointing out . . ."

MR. PRESIDENT:—"The five minutes are for yourself and the other three hon. Members who wish to speak also."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"I cannot help pointing out that it is the most inequitable piece of legislation that has ever found a place on the Statute Book of this country and it is most disgraceful that a party which has been claiming all along . . ."

THE HON. SRI V. V. GIRI:—"Sir, he used the word 'disgraceful'. Is 'disgraceful' parliamentary?"

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"It has been used on more than one occasion, Sir, on this . . ."

THE HON. SRI V. V. GIRI:—"Two wrongs do not make a right."

MR. PRESIDENT:—"It all depends upon the context. If the hon. Member makes a reflection that something which this House does is disgraceful it should not have been used. Anyhow I wish you do not use it."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"Sir, it is most unfortunate that a party which has been claiming to fight for the freedom and independence of this country and for the civil liberties of the people of this country should come forward

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with this legislation especially when it functions as a popular Government. (An hon. Member: 'Claims to function.') Yes, claims to function as a popular Government. Well, Sir, I would ask whether there will be any single item of civil liberty left beyond the reach of this piece of legislation. It embraces all the activities of individuals as well as associations. A man can be detained without being given an opportunity to prove his innocence before a court of law. He may be arrested by any police officer, his house may be searched, he may be prevented from going on with his usual avocations of life, he may be asked not to get out of his house and he may be asked in the guise of assisting the preservation of order to do any work by any officer. Well, Sir, I ask: Will there be left any vestige of civil liberty in this country? We will be left to the tender mercies of the executive—I do not mean the tender mercies of the Hon. Ministers, because we have got confidence in them—we will be left to the tender mercies of the subordinate officials. Knowing as we do what human nature is . . . (Gong was sounded indicating that the hon. Member should finish his speech.) I will finish in a few minutes, Sir. The vesting of power and authority in subordinate officials is bound, we are sure, to lead to great abuse of the provisions of the bill. (Gong.) I have not finished my point, Sir."

MR. PRESIDENT:—"You are expecting the Hon. the Premier to tell the House something. You must give him some time because we must begin the Budget discussions punctually at 11 o'clock."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"I will finish in two or three minutes."

MR. PRESIDENT:—(Addressing another hon. Member) "You must give up. You adjust it among yourselves."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"Well, Sir, when the Ordinance was promulgated, Members on the other side raised a hue and cry and they were assured we were told, that the obnoxious provisions would be removed, but now when the Bill comes up before the House, we find that not only no provision of the Ordinance has been abrogated but that the provisions have been made more stringent. But we have been seeing that Member after Member of this House belonging to the Congress Party has been greeting with what I would call derisive laughter, clause after clause when each clause was taking away or abrogating the civil liberties of the people one after another and they were the hon. Friends who opposed the promulgation of the Ordinance in vehement language. I do not know what magic wand has been responsible for this change of attitude on the part of those Members. For these reasons, Sir, I oppose the Bill."

Dr. Syed Tajuddin Sahib rose to speak.

MR. PRESIDENT:—"No. Two members have spoken from your party. Mr. Suryanarayana Rao will now speak."

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SRI R. SURYANARAYANA RAO :—“ Sir, as you are aware it has been our lot on this side—I do not say the Opposition—to fight a losing battle. We entered the battle knowing that we would be defeated at every step. Now that the Bill is to be passed. I appeal through you to the Government to see that these provisions are used properly only in cases where a real occasion arises. Sir, in this connection I would like to quote an incident from the life of Mazzini. It appears Mazzini used to walk along the road in a contemplative mood and the Austrian Criminal Investigation Department followed him and when they were asked why they were following him, they said: ‘ We know nothing against this young man but he goes about mornings and evenings in a contemplative and serious mood. Our Government does not want young men to develop a contemplative mood.’ Sir, that will be sufficient for any police officer to take action under clause 13 of the Bill. In his opinion he suspects any one to have done something or intends to do something. That will be enough. Sir, I am one of those who walk along the road—though I am not a young man—(Laughter) in what might be called a contemplative mood both mornings and evenings. Sir, I shall not be surprised if my steps are dogged by some police officer or by some constable thinking: ‘ What is it, this man goes along the road with a dog as his sole companion. He must be having some purpose.’ Immediately some section under this Act will apply. So, Sir, I beg again the Government to be very careful in using the provisions of this Act now that they have got the power they wanted.

“ Sir, I do not subscribe to what my hon. friend Mr. Ibrahim said about the Members on the other side. They do not welcome this. They only gave a lukewarm welcome, Sir. Party rules demand that they should support the Government and they have done that. In spite of that Mr. Bhima Rao had the courage to express what he felt in this matter though he was all the while voting with the Government. I do not think, Sir, we will be fair to the other side even to say that they indulged in a derisive laughter. It may be a laughter out of despair because they too are helpless (hear, hear) to prevent the Government from proceeding with the measure . . . ”

MR. PRESIDENT :—“ I am not sure whether anybody laughed over the amendments. (Hon. Members from the Ministerial Benches: ‘ None of us laughed, Sir.’) Probably I was the cause for creating the laughter.”

SRI R. SURYANARAYANA RAO :—“ I do not think any assurances will take away the sting of every word that is in this Bill. I oppose the Bill.”

SRI K. MADHAVA MENON :—“ Mr. President, Sir, my friends opposite very cleverly turned the table against us.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ We wish we had.”

DR. V. K. JOHN :—“ We plead guilty.”

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SRI K. MADHAVA MENON :—“ The hon. Member, Mr. Narayanaswami Nayudu has been saying that the position of this Council is tragic and he referred to the tragic drama that is being enacted here. Sir, I felt the very comic irony of the whole thing when friends to whom we had to approach in the good old days to enlist them as Members of the Civil Liberties Union when the civil liberty of our country was being frustrated are speaking in the name of civil liberty every time. At least the members of the Civil Liberties Union might have objected to attacks on civil liberties. But now they have turned the tables upon us and said that civil liberty is trampled down by us. It is a comic irony. There is nothing for derisive laughter. It is not for party discipline that we have voted for the Bill, we have also a sense of responsibility and a sense of duty. We realise the urgency of the matter. We know that we could not under the ordinary circumstances agree to all the provisions of the Bill, but now there are certain urgent conditions and unfortunate though they may be, the Bill has to be passed before the 12th instant, if we are to continue to be free from certain conditions which the Bill wants to avert. Therefore, Sir, a sense of duty and a sense of responsibility have induced us to vote in this matter. It is not merely party discipline or party considerations that have forced us to vote for this Bill.

10-50
a.m.

“ Sir, I certainly feel with the hon. Members of the Opposition that some of these provisions require drastic amendments, if not omission and I hope it will be done. (Hear, hear.) They have been pleading, particularly Sir A. Lakshmanaswami Mudaliyar, that the Hon. Prime Minister should give an assurance that the Act would be administered in a human manner. Now Sir, the Ordinance has been in force for some time, but not even one hon. Member from the Opposition has been able to point out a single case where the Prime Minister has not taken care to see that no injustice is done. I have been observing all through and not even one single case has been cited so far where the persons to whom authority has been delegated and who are administering the Ordinance have gone out of their bounds and done any illegal or unjust thing. (Sri B. Narayanaswami Nayudu: ‘ What about Mr. Narayana Rao? ’) There might have been one case, but that goes to show how careful Government has been and it is a guarantee that in future also such a thing will be done. I do not support, not even the Hon. the Prime Minister will agree that these things are very happy or good, but certain circumstances force them and force us. We have said ‘ no ’ to many things in this House with the tongues in our cheeks. It is against our grain to pass laws like those under which we have suffered and for the removal of which we have fought. But certain circumstances and conditions and the necessity and urgency of them make us realize our responsibility. It is necessary for us to give our support for these reasons and it is not merely a sense of party discipline but a sense of duty which has forced us to do so.”

* THE HON. SRI T. PRAKASAM :—“ Sir, some hon. Members characterized some provisions here as provisions concerned with

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Gandhian philosophy. It is unfair that Gandhiji's name should have been brought in with these. He is a man by himself. The world has been led to know what Gandhi is and what his philosophy is and what his politics have been. During the last few months, where he has been staying and what he has been doing, would be sufficient to warrant every individual in this country not to mix up his name in this matter.

11
a.m.

"A question was put: Is there any other law on the statute book which can be compared with this draconian law? We all know all, about draconian laws. Whatever may have been the state of affairs when the Ordinance was promulgated and whatever might have been the difficulty on the part of the public and the hon. Members on the Opposition here to understand the real motive of this Government, they cannot say that the same position holds to-day when this Bill has been introduced. Hon. Members with the best of motives and feelings expressed their strong condemnation, but in their anxiety they have forgotten what substantial modifications have been made in this piece of legislation as compared with the Ordinance. Certainly, Sir, not only in the Ordinance promulgated in this Province, but also in the ordinances that are in force to-day in the other provinces, you cannot find a provision similar to the one introduced in this Bill. The provision relating to the Advisory Council cannot be ignored. I have referred how the provision for an Advisory Council in a measure of this nature was estimated and interpreted by the highest of the courts in Britain. This is a special measure coming before the House under special circumstances, and not with any happy feelings on our part. We felt for it as much as the hon. members have been feeling. But the hon. members should not forget what difference it makes by the introduction of the Advisory Council. I can excuse hon. members who have not attached the same value as we have attached to it, because they were not in charge of this subject and did not have an opportunity to study the meaning of the Advisory Council in a special statute of this nature. It is very easy to use harsh words. It is only to prevent that that I am addressing you at this last stage. Pause for a while. The country is being reduced to anarchy, no Government, nothing at all, no police force, no military force, anybody can go and do anything either with man or woman or the property of the public. Hon. members should not forget the circumstances that forced the promulgation of the Ordinance first, and then this Bill. Terrible things are happening in other parts of this country also. From yesterday's news and to-day's news, you know that four streets in that beautiful city of Amritsar have been razed to the ground in a fight that flared up there between certain individuals or parties. We have heard the incidents that took place in Bengal and Bihar. Fortunately we did not reach that stage. Here, we have guaranteed all safeguards for arrest, search and similar things by providing for an Advisory Council. Hon. Members who have read the provisions of this Bill in detail would realize how the Advisory Council has changed the whole character of this measure and how that Council is empowered to go into every detail. After that is introduced, hon. Members

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should have been fair to us. No doubt we have been opposing the other amendments, because here is a safeguard, here is a guarantee, here are three persons—no doubt, appointed by the Government who will examine the whole thing and deal with the matter using their best judgment. Therefore it is not quite correct to deal with this measure in the manner in which my hon. Friends chose to do. You cannot find comparison in any other part of India where, in a measure intended for special purposes, the Government divested themselves of the powers that they wanted to have. That is the spirit in which we have worked. The provision for an Advisory Council is introduced in the Bill. It is that provision that is going to become law, and it is that provision that is going to govern the future. In addition to that, I give this assurance to the hon. Members—I gave it already but it was in a brief sentence—that it is not the intention of Government to exercise all these powers recklessly and mercilessly. Surely, that should not be the spirit in which a Government should act. Therefore, so far as this measure is concerned, the criticism has not been quite fair.

“ My hon. Friend Mr. Bhima Rao gave us advice. Siding with the hon. Members on the other side, he was doing it. Bhima Rao did not know all the matters relating to his own district or his own province. He said that there was nothing to warrant this measure. What does Mr. Bhima Rao know? He has not known anything, and I would not be justified in giving out the facts because, instead of creating a calm atmosphere, they might disturb the atmosphere. Every part of the province has been so much affected. We have not published those things. We have taken particular care to stop those things. Therefore, I do not feel free to give all the details. If any hon. Friend would come to me and ask about his own district, I can tell him what the position there is. I did not wish to interrupt Mr. Bhima Rao from a party point of view. I wanted to know exactly what he wanted to say. With wrong ideas, he was going on. He did not know his own district. He did not know what reports we were getting about the activities that were going on in his district.

“ No further assurance need be given by me, Sir. We on this side are all very anxious to see that there is no abuse of the provisions of this Bill and even the provisions of the Ordinance. My hon. Friend, Mr. Madhava Menon, has explained to some extent how anxious we were during the period of the Ordinance in the administration of the provisions. So the House can have the assurance which he gave.”

SRI K. UPPI SAHIB BAHADUR :—“ May I know whether Mr. Madhava Menon has given the assurance in the name of the Government? ”

SRI K. MADHAVA MENON :—“ I did not give any assurance, Sir.”

THE HON. SRI T. PRAKASAM :—“ Mr. Madhava Menon did not give any assurance. This spirit of finding something wrong in everything is bad.”

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MR. PRESIDENT :—“ He did not give any assurance ; he simply explained matters.”

11-10
a.m.

THE HON. SRI T. PRAKASAM :—“ This measure has been discussed seriously enough. Some hon. Members may be feeling that the amendments which they brought forward have not been accepted. As far as the Government is concerned, I may say that they will not delegate their powers, if possible, to police officers and that they will make themselves responsible for giving effect to this measure. There is also the safeguard provided for, the appointment of the Advisory Council. In appointing the Advisory Council I give the assurance that the Government will keep in mind the principles and suggestions contained in the amendments moved by hon. Members, as to what kind of persons should be there, who should be the persons who should look into the matter as occasion arises.”

MR. PRESIDENT :—“ The motion is that the Madras Maintenance of Public Order Bill, 1947 (L.A. Bill No. 8 of 1947) as passed by the Assembly, be passed into law.”

The motion was put and declared carried.

K. Uppi Sahib Bahadur demanded a poll and the House divided as follows :—

Ayes.

- | | |
|-----------------------------|--------------------------------|
| 1 Sri B. Veeraswami. | 11 Sri T. Purushotham. |
| 2 „ K. Madhava Menon. | 12 „ N. Ramabhadra Raju. |
| 3 „ B. Bhima Rao. | 13 „ C. Perumalswami Reddiyar. |
| 4 „ L. Subbarama Reddi. | 14 „ O. P. Ramaswami Reddiyar. |
| 5 „ S. A. S. Rm. Ramanatham | 15 „ S. Jayaram Reddiyar. |
| Chettiyar. | 16 „ C. Veerabhadra Rao. |
| 6 „ P. Veerabhadraswami. | 17 „ N. Ranga Reddi. |
| 7 „ M. Narayana Rao. | 18 „ V. Nagappa Chettiyar. |
| 8 „ N. Sankara Reddi. | 19 „ G. Venkata Reddi. |
| 9 „ M. Narayana Menon. | 20 „ P. R. K. Sarma. |
| 10 „ K. Natarajan. | 21 „ S. B. Adityan. |

Noes.

- | | |
|---|---------------------------------------|
| 1 K. Uppi Sahib Bahadur. | 7 Sri M. D. T. Kumaraswami Mudaliyar. |
| 2 K. T. M. Ahmed Ibrahim Sahib Bahadur. | 8 Mrs. M. Hensman. |
| 3 Dr. Sir A. Lakshmanaswami Mudaliyar. | 9 Mrs. M. N. Clubwalla. |
| 4 Sri B. Narayanaswami Nayudr. | 10 Sri R. Suryanarayana Rao. |
| 5 Abdul Latif Farookhi Sahib Bahadur. | 11 Mr. K. O. Anthoni. |
| 6 Dr. Syed Tajuddin Sahib. | 12 Dr. V. K. John. |
| | 13 Sri Rao Bahadur D. Krishnamurthi. |
| | 14 Sri H. M. Jagannatham. |

MR. PRESIDENT :—“ I do not think there are any neutrals. Ayes 21, Noes 14. The motion is carried and the Bill is passed into law.”

“ May I know the wishes of hon. Members? Do they wish to carry on or to have a recess? Shall we go on now with the consideration of the Budget?”

K. UPPI SAHIB BAHADUR :—“ We shall have some recess now ; we can sit later.”

MR. PRESIDENT :—“ Then we will have to sit longer in the evening.”

SRI K. MADHAVA MENON :—“ We can finish Questions and Answers ; then we can adjourn.”